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FEDERAL MARITIME COMMISSION

NIXON PEABODY LLP  
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202-585-8000

November 16, 2016

**VIA FIRST CLASS MAIL**

Ms. Rachel Dickon  
Assistant Secretary of Federal Maritime Commission  
800 North Capitol St.  
Room 1046  
Washington, D.C. 20573

Re: Docket No. 15-11 – Ovchinnikov v. Hitrinov

Dear Ms. Dickon:

Enclosed for filing in the above-captioned matter are an original true copy and five (5) additional copies of:

1. Motion for Leave to Withdraw

If you have any questions, please do not hesitate to contact me.

Best regards,

Eric Jeffrey

Enclosures

 ORIGINAL

CC: OS  
OCC  
BJS(2)  
Rb

**FEDERAL MARITIME COMMISSION**

**WASHINGTON, D.C.**

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**DOCKET NO. 15-11**

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**IGOR OVCHINNIKOV, ET AL**

**v.**

**MICHAEL HITRINOV ET AL**

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Consolidated With  
**DOCKET NO. 1953(I)**

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**KAIRAT NURGAZINOV, ET AL**

**v.**

**MICHAEL HITRINOV ET AL**

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**Motion for Leave to Withdraw**

The undersigned attorney hereby moves, pursuant to Rule 23 of the FMC Rules, that the Presiding Officer grant him and Nixon Peabody LLP permission to withdraw as attorney of record<sup>1</sup> for clients Michael Hitrinov and Empire United Lines Co., Inc., based on the following:

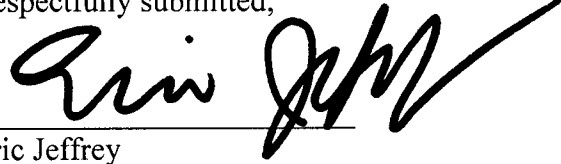
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<sup>1</sup> Please note that Ms. Vohra is leaving Nixon Peabody LLP effective November 25, 2016, so would need to withdraw in any event.

FILED  
NOV 16 2016  
U.S. Federal Maritime Commission  
Office of the Secretary

1. An impasse has been reached in the handling of the proceeding, making it impossible for the clients and attorney to continue to work cooperatively on the matter. Recent emails to the clients have gone without response.
2. The clients have not complied with the terms of their professional services agreement with Nixon Peabody, despite repeated warnings that Nixon Peabody will withdraw unless such obligations are fulfilled. See Rule 1.16(b)(5) of the American Bar Association's Model Rules of Professional Conduct ("ABA Model Rules").
3. In particular, the clients currently owe Nixon Peabody significant sums covering multiple invoices, some of which are now more than 120 days overdue. Continued representation of the clients would thus create an unreasonable financial burden on Nixon Peabody, and especially on the undersigned. See ABA Model Rule 1.16(b)(6).
4. The clients will not suffer material adverse effect as a result of the withdrawal. The proceeding is currently at a point of pause, with nothing required to be filed by either side. An ancillary matter pending before the Commissioners has been fully briefed. Moreover, the Commission has recently extended the deadline for issuance of an initial decision in this proceeding from November 17, 2016 to May 15, 2017, and the time for issuance of a final decision from May 16, 2017 to November 16, 2017. Notice of Extension of Time (November 9, 2016). This provides ample time for the clients to seek substitute representation. Nixon Peabody and the undersigned will of course be prepared to assist in the transition.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric Jeffrey", written over a horizontal line.

Eric Jeffrey

**Nixon Peabody LLP**

799 9<sup>th</sup> Street, N.W., Suite 500

Washington, D.C. 20001

202-585-8000

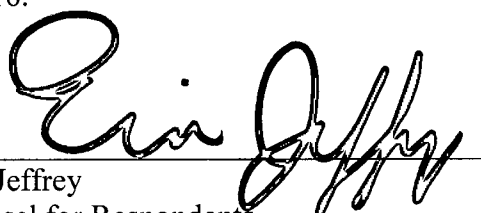
**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing Exceptions of Motion for Leave to Withdraw by first class mail to the following:

Marcus A. Nussbaum, Esq.  
P.O. Box 245599  
Brooklyn, NY 11224  
Marcus.nussbaum@gmail.com

Seth M. Katz, Esq.  
P.O. Box 245599  
Brooklyn, NY 11224

Dated at Washington, DC, this 16<sup>th</sup> day of November, 2016.

  
Eric Jeffrey  
Counsel for Respondents